



SENATOR RUNNER'S WEEK IN REVIEW

A WEEKLY REVIEW THAT WILL KEEP YOU INFORMED AND UP-TO-DATE



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Identity Theft

The Federal Trade Commission (FTC) states that identity theft is the fastest growing crime in the nation. In a 2004 FTC study, California ranked as the third highest state (behind Arizona and Nevada) as having the greatest number of identity theft victims – at 635,000 victims or 122.1 per 100,000 population. In 2004, consumers reported losses of \$547 million. It took the average consumer victim 175 hours and \$800 to resolve identity theft problems, and it took an average of two to four years for victims to clear their names.

Reasons for the Rise in Identity Theft

There are a few reasons why criminals choose identity theft. Three often cited are that:

- It is a non-violent crime;
- Criminal penalties for first-time and repeat offenders are light – often a misdemeanor that typically results in no more than a few days or weeks in jail and small fines – while the potential to make quick cash is great; and,
- The use of computers and the internet allows thieves to acquire, buy, sell, and use information quickly, and anonymously.

Increasing Penalties

While the problems associated with identity theft are clear, California law has not responded accordingly and is too lenient with those who perpetrate this crime. Further, the profit potential of identity theft is so great that even street gangs have taken up the practice to finance other criminal activity. In an effort to bring California's laws on identity theft into the 21st Century, and enhance penalties for those convicted of ID theft, several legislative bills were introduced at Governor Arnold Schwarzenegger's Second Annual Identity Theft Summit that would increase penalties for identity theft.

- **SB 1387- Increases the penalties for the theft and trafficking of personal identifying information.** Currently, regardless of the number of identities stolen, a criminal can only be charged with a misdemeanor for possessing and trafficking in identifying information. SB 1387 increases penalties based on the number of victims.

News of the Week

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[Proposals to Break-Up LAUSD](#)

[Bills to Boost Community College Access](#)

[Daniel Weintraub: Breaking free from employer-managed health care](#)

[Senate Blasts UC in Committee Hearing](#)

[Inland Empire is State's Top Job Engine](#)

[Victorville Building Boom Intensifies](#)

[Daniel Weintraub: Next crisis: Health care for retired public workers](#)

- **SB 1388 - Creates New Criminal Penalty for Phishing.** Phishing scams involve criminals posing as a bank or other financial institution and sending e-mails to unsuspecting consumers, asking them to "re-enter" their personal information on an online website. Last year, the Legislature passed and the Governor signed into law Senate Bill 355 which created a right to sue for phishing instead of creating a criminal penalty. SB 1388 will increase penalties for phishing.
- **SB 1389 - Criminal Identity Theft.** Criminal Identity Theft involves someone illegally using another's identity to commit a crime, resulting in their victim being charged and prosecuted for the crime. Under current law, if the victim is detained, subject to arrest, or jailed, the perpetrator cannot be charged with criminal identity theft because the victim was not fully prosecuted. SB 1389 adds the filing of charges and the arrest of the victim for a crime committed by the criminal as triggering acts that make the thief eligible to be prosecuted for criminal identity theft.

Tips to Help Prevent Identity Theft

The California Bankers Association recommends the following actions to avoid becoming a victim of identity theft:

- Check your credit report twice a year and examine it thoroughly.
- Consider adding a statement to your credit file that makes it more difficult to grant credit without calling you to confirm the application.
- Make it harder for ID thieves to get "identifying information" from your mail and mailbox.
- Carry only the credit card you would use in an emergency and keep all other credit cards at home, in a secure place. Do not carry your Social Security card.
- If you do carry all of your cards, make sure to record their names, account numbers and customer service numbers and keep them in a secure place.
- Shred or secure in a lockbox all documents with important identifying information on them.
- Watch anyone who asks to "swipe" your credit or debit card.
- On the backs of your credit cards, write "Always check ID" in black marker.
- Do not have your driver's license or Social Security number printed on your checks.

Tips For Victims

According to the California Department of Justice (DOJ), "Victims of identity theft must act quickly to minimize the damage. It is very important to keep good notes of all conversations and records of all correspondence with your financial institutions and law enforcement agencies, including a log of the names, dates, and phone number of persons you contacted. You also should confirm the information in writing. Sending your letters by certified mail, return receipt requested, will provide you with a record of your correspondence." The DOJ provides the following tips:

- Report identity theft to major credit bureaus.
- File a police report and retain a copy for your records.
- Contact all creditors.
- Regularly monitor your credit report.
- Contest bills that result from identity theft.
- Access information if an account is opened fraudulently in your name.

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